



Secretary Ellen Roy Herzfelder
Attn: MEPA Office
Nicholas Zavalas, EOE A No. 13096
251 Causeway Street, Suite 900
Boston MA 02114

August 27, 2003

RE: EOE A 13096, Mini-Fenway Park/Quincy

Dear Ms. Herzfelder:

Friends of the Blue Hills (FBH) has reviewed the abovementioned ENF and offers the following comments.

FBH takes a particular interest in the project because it is proposed on public parkland included in the Blue Hills Reservation since the mid-1980's. Oversight of the 11.5-acre parcel has been casual, to say the least. Several years ago, for instance, an agreement was reached between the city of Quincy and abutter Quirk Auto allowing Quirk to bulldoze the center of the parcel for a gravel parking lot. We have been told that the MDC, which had care and control of the land, was not even a party to the agreement.

A law cited in the ENF, Chapter 275 of the Acts of 1998 (as amended by Chapter 183 of the Acts of 2002) authorizes the MDC and the Division of Capital Assets and Management to lease the parcel to "Mini-Fenway Park, Inc." The law does not compel either agency to do so.

It is our understanding that the MDC's successor, the Division of Urban Parks and Recreation, has not yet awarded a lease, and has advised the proponents that a lease will not be forthcoming until the MEPA process is completed. We hope this information is accurate.

If it is, it would be consistent with Gov. Romney's recent policy statement emphasizing that legislation authorizing conversion of public parkland to other uses is "premature" unless a full environmental review and alternatives analysis has occurred. This policy is set forth in a July 28, 2003 letter to legislators from Lt. Gov. Healey. If legislation prior to public review is premature, agency action on such legislation is more so.

Although FBH has a long history of public involvement and advocacy concerning development proposals affecting the Blue Hills Reservation, legislators sponsoring the two Mini-Fenway bills did not publicize them in Quincy, and hence FBH did not request or participate in hearings regarding the bills. In an April, 1999 letter to former MDC Commissioner Balfour in response to after-the-fact notices of the the first bill, we wrote:

The Little Fenway project was conceived and planned without any consultation with, or support from, the community of park users. The parcel in question is part of the Blue Hills Reservation. It should not pass into private control via long-term lease until it is conclusively demonstrated that such a lease is indeed the land's highest and best use. Public confidence in the MDC's acquisition program requires that parklands purchased with public money be used for public purposes

This letter was never answered.

There is no alternatives analysis in the Mini-Fenway ENF. Neither does it contain any precise description of the parcel with reference to easements or rights held by abutter Quirk Auto, or relevant votes or actions taken by the now-defunct MDC or its successor. It does not attest that the parcel shown on plans is the same one named in Chap. 183 of 2002, or provide any means for making that determination. Although it states that the site "may be subject" to a Consent Order issued by DEP to Quarry Hills Associates, it does not produce the Order or specify any conditions that might apply.

During the past several months Mini-Fenway has made a commendable effort to involve FBH in its planning effort, and FBH has assisted Mini-Fenway in identifying sensitive areas and resources, and modifying the project to avoid harming them. FBH recognizes the merit of the Mini-Fenway proposal, and we will continue to provide time and expertise.

Nonetheless, FBH believes that the Blue Hills Reservation and its public resources will be substantially and permanently harmed by the project if it is not planned and executed with care. Hence we ask that the Secretary require the following in its certificate on the ENF.

That no state agency shall execute a lease of Blue Hills Reservation parkland to "Mini-Fenway Park, Inc." until the following have occurred:

- the survey described by the MA Historical Commission in its letter of August 14, 2003 has been performed, and the Commission has determined that the project will not significantly impact publicly-owned historic and archeological resources.
- the parcel's status as rare species habitat has been assessed, and the MA Natural Heritage Program has determined that the proposed development will not constitute a "take" of such species, despite the presence of mapped habitat on the site (As we have advised Mini-Fenway, FBH believes that the extent of such habitat on the parcel is greater than indicated by Program mapping. We will shortly provide a letter to Natural Heritage on this matter).
- EOEA and the Division of Conservation and Recreation have formally reviewed the project for consistency with EOEA's Article 97 Land Disposition Policy, and have determined that "all other options to avoid the Article 97 disposition have been explored and no feasible and substantially equivalent alternatives exist (monetary considerations notwithstanding)"

We emphasize that the entire 11.5-acre site is public parkland, and that the proposal requires it to be surrendered to a private corporation for 50 years. Details regarding ownership and financing of this corporation are obscure. Other public land in the area has been cleared and filled for little if any public benefit. Adequate MEPA review of this project is critical.

Very truly yours

Thomas Palmer
FBH Board of Directors

cc:

Ron Iacobucci, Mini Fenway Park, Inc.
Bill McKinney, Division of Urban Parks and Recreation
Pat Flynn, DUPR South Region
Thomas Largey, Quincy Mayor's Office
Tom Kelly, Quincy Conservation Commission
Bryan Connolly, Quincy City Council
Senator Mike Morrissey
Representative Stephen Tobin
Representative Bruce Ayers
Al Bina, Quarry Hills Advisory Committee
Sandy Matathia, Rackemann Sawyer
Steve Perdios, Quincy Environmental Network
Patricia Huckery, MA Natural Heritage
Edward Bell, MA Historical Commission